

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

03 SEP 05 PM 4:00
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TAMPA, FLORIDA

UNITED STATES OF AMERICA

v.

Case No. 8:03-CR-77-T-30TBM

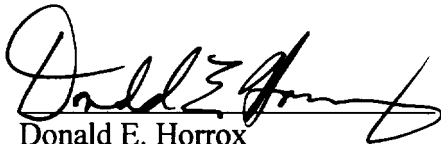
HATIM NAJI FARIZ

DEFENDANT HATIM NAJI FARIZ'S PROPOSED JURY QUESTIONNAIRE

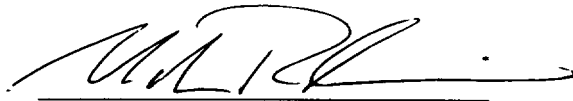
The Defendant, Hatim Naji Fariz, requests that the following jury questionnaire be used during jury selection in the above referenced case.

Respectfully Submitted,

R. FLETCHER PEACOCK
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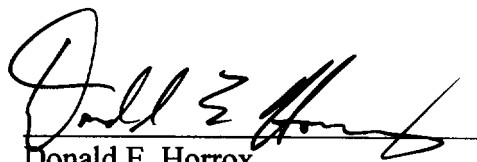
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of September, 2003, a correct copy of the foregoing has been furnished by hand delivery to Walter E. Furr, Assistant United States Attorney, 400 North Tampa Street, Suite 3200, Tampa, Florida 33602 and to the following by U.S. Mail:

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(Pro-Se)


Donald E. Horrox
Assistant Federal Public Defender

PROPOSED JURY QUESTIONNAIRE

I. FAMILY HISTORY-BACKGROUND

1. Age _____
2. Male or Female _____
3. Religion _____
4. Occupation _____
5. Have you recently been treated for a substance abuse problem (for example, alcohol, illegal or prescription drugs)? Explain.
6. Do you have a medical condition that will make it difficult to serve on a jury? (Please include hearing or eyesight loss).
7. What is your ethnic background?
8. What magazines or periodicals do you read?
9. Do you listen to any radio stations on a regular basis? If so, which ones?
10. Where were your parents born:
Mother _____
Father _____
11. What are the occupations of your grown children?

12. Are you, your spouse, or a former spouse a naturalized U.S. Citizen?

Yes _____ No _____

13. Do you or your spouse have dual citizenship? If so, what countries?

14. Are your parents, in-laws, or grandparents naturalized U.S. Citizens?

Yes _____ No _____

If yes, please tell us your relationship to that person (for example, "mother-in-law,") and when (if you know) they became a citizen?

15. Is English your first language? Yes? No? If no, what is your first language?

16. Do you have any difficulty:

–Reading English? Yes? Sometimes? No?

–Understanding spoken English? Yes? Sometimes? No?

17. Do you speak any language other than English? No? Yes?

If yes, what language(s)? Did you grow up in a household where that language was spoken?
Did you any newspapers or publications in that language?

Yes _____ No _____

If so, please list the language and newspapers or publications:

(b) If you speak, read or understand any other languages other than English, would you have any difficulty relying solely upon the official interpreter's translation of testimony, and witnesses' translations of language evidence?

18. If your children are in school (K-12), what type of school do they attend?

Public _____
Private _____
Religious _____
Home _____

If so, what religion? _____

19. If your children are in college, what is their major?

20. To what charities or organizations have you contributed in the last five (5) years?

21. Have you or has a family member or close friend ever been falsely accused of a crime?

Yes _____ No _____

What happened? _____

22. Have you or anyone close to you ever been charged with a crime or been the subject of a criminal investigation?

Yes _____ No _____

23. Do you believe that you, a member of your family, or a close friend has ever been directly or indirectly affected in any way by a terrorist act or threat?

Yes _____ No _____

If so, please generally describe (e.g., where and when).

24. Are you, or anyone close to you, now under subpoena or, to your knowledge, about to be subpoenaed in any criminal case?

Yes _____ No _____

25. To your knowledge, have you, or any close friend or relative, ever been the subject of surveillance (visual, photographic or electronic) by law enforcement or had their car or home searched by law enforcement officers?

Yes _____ No _____

If yes, please briefly describe: _____

II. RESIDENTIAL HISTORY

26. Where do you currently live? Please identify city and county.

27. How long have you lived at your present residence?

28. Which of the following best describes your current type of residence? Rental apartment? Own home? Rental house? Rental (other)? Other (specify)? Own apartment or condo? Own mobile home?

29. List cities of past residence within the last five years and indicate how long you lived in each location.

30. Where were you born?

31. Where were you raised?

III. EMPLOYMENT

33. Are you currently employed outside the home? Yes? No? If so, by whom are you employed? Full or part time? If part time, how many hours per week? How long have you been so employed?

34. What are your specific duties and responsibilities on the job?

35. Does your job involve management or supervisory duties? Yes? No? If you answer yes, please describe managerial responsibilities and state the number of employees you supervise.
36. Do you have the authority to hire and fire employees? Yes? No? If yes, is this a difficult decisions to make? Yes? No? Please explain.
37. If not currently employed outside the home, please check the category that applies to your employment status: Homemaker? Unemployed-looking for work? Unemployed-not looking for work? Student? Retired? Disabled?
38. If you are not currently employed outside the home but were previously so employed, please describe your most recent form of employment, stating the name of your employer, whether you were employed full or part time, when and for how long you were so employed.
39. Please list your work experience over the past ten years and state when and for how long you were employed by each job. Please give a brief description of each job and name of each employer. If additional space is needed, please use the blank pages provided at the back of the questionnaire and put the number of this question next to your answer.
40. Have you ever held a job in an academic institution? If so, please provide the dates, locations, titles, and responsibilities of your position.
41. Have you ever worked in journalism or the news industry in any capacity? No? Yes? If yes, please state where and when you were so employed and give a brief description of your duties.
42. Do you have any close friends or relatives who either have worked or are currently working in journalism or in the news industry in any capacity? No? Yes? If so, please state where and when they were so employed and give a brief description of his or her duties.

IV. EDUCATION

43. What is the last grade level of education you completed? Please indicate number of years attended, field of study, and any degrees achieved.

44. If you attended any schools or colleges after high school, please name the schools and colleges you attended, your major areas of study, and the field in which you obtained your degree(s).
45. Please name any other educational programs you have attended (vocational schools, certification programs, part time study).
46. Are you currently in school? Yes? No? If yes, which school and what are you studying?
47. Do you plan to attend school in the future? Yes? No? If yes, where do you plan to go to and what do you plan to study?
48. Have you ever applied for an academic program at any of the Tampa Bay area schools, colleges or universities? If so, please state the name of the school, the date(s) of the applications, for what programs, and the dispositions of your application(s).
49. What special training or skills do you have? (Please include any technical, medical, psychology or scientific training and special skills acquired on the job.)
50. Do you have any legal training or have you taken any law course? Yes? No? If yes, please explain.
51. While in school, what was your favorite subject?
52. What was your least favorite subject?

V. MILITARY

53. Have you ever served in the military? Yes? No? If so, please list: Branch of service, Rank, Dates of service.
54. Do you have combat experience? Yes? No? If yes, please explain.

55. Were you ever involved in any way with military law enforcement, court martial or investigations? Yes? No? If yes, please explain.
56. While serving in the military, did you ever see one or more people who were seriously wounded? Yes? No? If yes, please describe.
57. While serving in the military, did you ever see someone killed? Yes? No? If yes, please describe.
58. Was your spouse, significant other, or any other family member ever in the military? Yes? No? If yes, what branch and when?
59. Were you involved with your spouse or significant other when they were in the military? Yes? No?
60. Has your spouse or significant other, or any other family member's military experience affected you? Yes? No? If yes, please describe how.

VI. YOUR SPOUSE OR PARTNER'S BACKGROUND

61. Please complete regarding your current spouse or partner: Has he or she ever been (please check): __widowed, __divorced, __separated. Please complete all of the following questions regarding your spouse-mate:
62. Spouse-partner's place of birth?
63. Spouse-partner's race or ethnic background?
64. Spouse-partner's current employment status?
65. What is that person's occupation? (If that person is retired, unemployed or disabled, what was his-her occupation?)

65. By whom is he or she employed?

66. How long has he or she worked there?

67. What is the last level of education they completed and please list any degrees they have?

VII. PARENTS AND SIBLINGS

68. What are-were your parents' (and-or step-parents') occupations? (If retired or deceased, what did they do?) Mother, Father, Step-Mother, Step-Father.

69. Do you have any brothers or sisters with whom you were raised? Yes? No? If yes, please list: Sex, Age, Relationship to you, Occupation.

VIII. LEGAL-COURTROOM EXPERIENCE

70. Have you, or any member of the family, or any close friend ever been arrested? Yes? No? If yes, who and how many times?

71. For each arrest, please describe the charge(s), whether there was a jury trial, and what the outcome was?

72. Other than as a potential juror or for a case which you had been arrested, have you ever been in a courtroom for any other reason? Yes? No? If yes, how many times and for what purpose(s)?

73. Have you or any family members or close friends ever sued or been sued in a civil action? Yes? No? If yes, how many times? If yes, please explain the nature of the dispute.

74. Have you ever served on a jury before? Yes? No? For each time you have sat on a jury, please indicate the type of case, when you served, whether a verdict was reached, and, if no verdict was reached, the reason. Please do NOT state the verdict:

Example: civil-car accident, 1984, yes.

Example: criminal-robbery, 1986, no-deadlocked.

Example: criminal-assault: 1992, no-case settled.

Type of case, Year, Was a verdict reached? (Please do NOT state the verdict).

75. Have you ever served on a grand jury? Yes? No? If yes, was it state or federal and when was it?

76. Have you ever been the foreperson of a jury? Yes? No? If yes, please state what type of case and when.

77. Was a verdict reached in the case(s)? (Please do NOT state the verdict.) If not, why not?

78. How do you feel about your prior jury experience?

79. Would any of you change your verdict if a majority of the other jurors believed that a person was guilty and you were in the minority? Would the fact that you were in the minority influence your vote at all?

(A) "If the prosecution goes to the trouble of bringing someone trial, the person is probably guilty." Strongly agree? Agree? Strongly disagree? Disagree? No opinion?

(B) "Regardless of what the law says, a defendant in a criminal trial should be required to prove his or her innocence." Strongly agree? Agree? Strongly disagree? Disagree? No opinion?

IX. MEDIA COVERAGE

80. Because this case has received extensive publicity many, if not all, of you will have heard and-or read something about this case at some time. It is vitally important that you truthfully answer the following questions concerning what you learned about this case from the media. There are no right or wrong answers. There should only be truthful and forthright answers.

Please indicate from what sources you have learned about this case (check as many as apply):

- ___ Television
- ___ Newspapers
- ___ Radio
- ___ Magazines
- ___ Books
- ___ Tabloids

Have had conversations with other people? Have overheard other people discuss it? Other (please specify)?

81. Please rank the following sources of information by placing a number 1 next to the source from which you received the most information about the case; a number 2 next to the source from which you received the second most amount of information about the case, etc.

- ___ Television
- ___ Newspapers
- ___ Radio
- ___ Magazines
- ___ Books
- ___ Tabloids

Have had conversations with other people? Have overheard other people discuss it? Other (please specify)?

82. Have you seen television coverage, other than appearances in court, of any of the lawyers for the defense? Yes? No? If yes, please describe what you recall, and which defense lawyer you observed. If yes, what was your reaction to what you observed? Please specify the defense lawyer to whom you are referring.

83. Have you observed television coverage, other than appearances in court, of any of the lawyers for the prosecution? Yes? No? If yes, please describe what you recall, and which prosecution lawyer you observed. If yes, what was your reaction to what you observed? Please specify the prosecution lawyer to whom you are referring.

X. FAMILIARITY WITH JUDGE-ATTORNEYS-PARTIES-VICTIMS-WITNESSES

84. Do you, or any of the members of your family, know any of the participants in this trial, including members of the Court, the United States Attorney's Office, FBI, defense counsel, and the Defendants?
85. Do you know or recognize any of the prospective jury members in the courtroom? If so, what is the basis of the relationship? Would such relationship or acquaintance influence your judgment in this case?
86. The prosecutor and defense counsel will read to you the list of witnesses that may be called to testify during trial. [Names read]. Do any of you recognize these individuals? If so, what is the basis of the relationship? Would such relationship or acquaintance influence your judgment in this case?

XI. RELIGION

87. Have you ever experienced what you believe to be discrimination against you because of your religious beliefs?

Yes _____ No _____

If yes, please explain:

88. Do you know anyone who practices the faith of Islam?

Yes _____ No _____

89. How knowledgeable are you about the history and practice of Islam?

very knowledgeable _____
somewhat knowledgeable _____
not too knowledgeable _____
not knowledgeable at all _____

90. Is there anything about a case where all the defendants are Muslim that would make it hard for you to serve as a juror?

Yes _____ No _____

91. Do you have any strong views against the religion of Islam or its adherents?

Yes _____ No _____

XII. ETHNICITY

92. Have you ever traveled outside the United States?

Yes _____ No _____

If yes, please explain where and when:

93. Some of the defendants in this case are of Arab, Middle Eastern, and African descent.

(a) Are you, or any relative or close friends, of Arab, Middle Eastern, or African descent?

Yes _____ No _____

(b) Do/have you worked with any people of Arab, Middle Eastern, or African descent?

Yes _____ No _____

(c) Do you socialize with any people of Arab, Middle Eastern, and African descent?

Yes _____ No _____

(d) Do you have any negative feelings or opinions about people of Arab, Middle Eastern, or African descent?

Yes _____ No _____

If yes, please explain:

94. Do you believe that there is a law enforcement bias against people of Arabic descent or people of the Islamic faith?

Yes _____ No _____

If yes, please explain:

XIII. POLITICAL/SOCIAL CIVIC ORGANIZATION

95. Are you a member of a political party? If so, which one? Why? How active are you? (e.g., vote, attend meetings, run for office, etc.)

XIV. VICTIM OR WITNESS TO CRIME

96. Have you, or someone close to you, been the victim of a crime? If yes, please explain.

XVI. LEISURE ACTIVITIES-ENTERTAINMENT-HOBBIES-MISCELLANEOUS

97. What type of books do you prefer? (Example: Non-fiction? Historical? Romance? Espionage? Mystery?)

98. Do you read a newspaper on a regular basis? Yes? No? If yes, which newspapers do you read on either a regular basis or occasional basis?

99. Which "news" magazines, if any, do you read on either a regular or occasional basis?

100. What magazine and newspapers, if any do you subscribe to?

101. Which television news shows do you enjoy watching on a regular basis?

102. Do you ever watch TV programs that show real life police activities such as "Cops," "America's Most Wanted," or "Unsolved Mysteries?" Yes? No?
If yes, Very often? Occasionally? Almost never?

103. What is your most frequent source of news for you?

104. What groups or organizations do you belong to now or have you belonged to for a significant period of time in the past?

105. Do you currently, or have you during the past five years, done any volunteer work? If so, for what organization(s) is-was it?

106. Are there any charities or organizations to which you make donations? Yes? No?
If yes, please list organizations or charities to which you contribute.

XVII. POTENTIAL HARDSHIP

The Court and the parties estimate that the trial in this case will last approximately 9 to 12 months. It is anticipated that the jury will sit 4 days per week during the bulk of the trial when evidence is being taken, although the jury will have to be present 5 days a week during jury selection, opening and closing statements and deliberations. Thus, for most of the trial, jurors will not be required to report on Fridays or holidays. If possible, the Court plans to adjourn for a one week recess in August. In addition, every effort will be made to accommodate special needs of individual jurors. Jurors will be paid an attendance fee of \$<<*> per day. Your transportation costs will be reimbursed.

Jury selection is one of the highest duties and privileges of a citizen. The participation of people like yourself is essential to the proper administration of justice. The Court recognizes that not everyone can serve on a case of this length. However, mere inconvenience or the usual financial hardships of jury service will not be enough to excuse you. You must show that service in this case would cause an unacceptable amount of personal hardship.

107. Would you have a serious hardship if chosen for this case?

_____ Yes, I would have a serious hardship if chosen for this case. Please fully explain your hardship.

_____ No, I would not have a serious hardship if chosen for this case.

IF YES, please explain the hardship, and list your current occupation. Describe the type of job and business without giving details of your employer's name or address. For example, simply list "receptionist", "business executive", "school teacher", or "self-employed/freelance". If you are retired or unemployed, please indicate that fact and list your previous occupation. Please write legibly.

XVIII. LEGAL CONCEPTS

108. In our legal system, a person who is charged with a crime is not required to testify in his or her own defense. What do you think about that concept?
109. What might you think if a person accused of a crime did not testify in his or her own defense?
110. In our legal system, a person who is presumed innocent of a crime is not required to testify in his or her own defense. What do you think about that concept?
111. In our legal system, in order to convict a person of a crime, the government must prove their guilt beyond all reasonable doubt. What do you think of that concept?
112. The Court will instruct you that the testimony of a law enforcement officer is entitled to no greater weight or lesser weight than that of any other witness. Do you have any difficulty accepting that statement?

Yes _____

No _____

XIX. CONCLUDING QUESTIONS.

113. Why do you feel you would be a good juror for this case?
114. Knowing what you know about this case thus far, do you want to be a juror in this case?
115. As part of your service on this case, the Court will order you not to read, listen to or watch any accounts of this case reported by television, radio or other news media. Will you have any difficulty following this order? Yes? No? Do not know?
116. As a result of filling out this questionnaire, have you now formed an opinion about this case? If yes, please explain.
117. Is there any matter not covered by this questionnaire that you think the attorneys or Court might want to know about you when considering you as a juror in this case?